

NOTICE: While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, October 3, 2013.

Met at one minute past eleven o'clock A.M. (Mr. Timilty in the Chair) (having been appointed by the president, under authority conferred by Senate Rule 4, to perform to the duties of the Chair).

The Chair (Mr. Timilty), members, guests and staff then recited the pledge of allegiance to the flag.

Communications.

The following communications were severally received and placed on file:

Several communications from the Honorable Therese Murray, President of the Senate, announcing the following appointments:

Senators Patricia D. Jehlen and William N. Brownsberger to the Special Commission established (pursuant to Section 18M of Chapter 38 of the Acts of 2013) to make an investigation and study of the Commonwealth's criminal justice system; Senator James T. Welch (pursuant to Section 102A of Chapter 38 of the Acts of 2013) to consult with the Governor, or his designee, on any federal negotiations for a waiver from the Affordable Care Act; Senator Michael D. Barrett to the Task Force established (pursuant to Section 2 of Chapter 38 of the Acts of 2013) to make an investigation and study of ways to reduce the costs and delays in the adoption process in the Commonwealth; and A communication from the Honorable Martin J. Benison, Comptroller, submitting a report on the status of all cost avoidance opportunities for the second quarter of fiscal year 2013 (received January 2, 2013).

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Joyce, a petition (accompanied by bill, Senate, No.1872) of Brian A. Joyce (by vote of the town) for legislation to authorize the town of Milton to assess an additional amount of real estate and personal property taxes [Local approval received]; **Under Senate Rule 20, referred to the committee on Revenue. Sent to the House for concurrence.**

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer, Gailanne M. Cariddi, Paul McMurtry, Michael O. Moore and other members of the General Court for legislation to regulate central service technicians; and By Mr. Downing, a petition (subject to Joint Rule 12) of Benjamin B. Downing for the adoption of resolutions to create a statewide hunger commission; **Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Report of Committees.

By Mr. Keenan, for the committee on Public Health, on Senate No. 994 and House No. 2079, a Bill relative to the enhanced management of early childhood caries among MassHealth patients (Senate, No. 994); By the same Senator, for the same committee, on petition, a Bill to authorize certain pharmacy interns to administer

immunizations (Senate, No. 995);

By the same Senator, for the same committee, on petition, a Bill relative to the notification breast abnormalities (Senate, No. 1006);

By the same Senator, for the same committee, on petition, a Bill requiring automated external defibrillators in schools (Senate, No. 1049);

By the same Senator, for the same committee, on petition, a Bill relative to robotic surgery in the Commonwealth (Senate, No. 1069); and

By the same Senator, for the same committee, on petition, a Bill for protection against the transmission of Pertussis (Senate, No. 1093);

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Ms. Forry, for the committee on Municipalities and Regional Government, on petition, a Bill to establish the MetroWest commission on the status of women and girls (Senate, No. 1842, changed by striking out in section 1, in lines 9 to 14 inclusive, the words "Berlin, Blackstone, Bolton, Clinton, Dover, East Walpole, Fayville, Framingham, Franklin, Holliston, Hopedale, Hopkinton, Hudson, Lancaster, Marlborough, Maynard, Medfield, Medway, Mendon, Milford, Millis, Natick, Needham, Millerville, Millville, Norfolk, Northborough, Norwood, Sheldonville, South Walpole, Sherborn, Southborough, Stow, Sudbury, Walpole, Wayland, Wellesley, Westborough, Weston, Woodville" and inserting in place thereof the following words:- "Dover, Framingham, Franklin, Holliston, Hopkinton, Hudson, Marlborough, Maynard, Medfield, Medway, Millis, Natick, Needham, Norfolk, Northborough, Norwood, Southborough, Sherborn, Stow, Sudbury, Walpole, Wayland, Wellesley, Westborough, Weston");

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Keenan, for the committee on Public Health on petition, a Bill relative to cleanliness in restaurants and bars (Senate, No. 1103);

Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

Committee Discharged.

Ms. Donoghue, for the committee on Community Development and Small Business, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 72) of James B. Eldridge for legislation relative to affordable housing community planning,-- and recommending that the same be referred to the committee on the Housing; and

Mr. Keenan, for the committee on Public Health, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1106) of James E. Timilty and Bruce E. Tarr for legislation relative to the Massachusetts Emergency Information Program,-- and recommending that the same be referred to the committee on the Public Safety and Homeland Security;

Severally under Senate Rule 36, the report was considered forthwith and accepted.

Severally sent to the House for concurrence.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3678) of Timothy J. Toomey, Jr. and others (with the approval of the mayor and city council) that the retirement board of the city of Cambridge be authorized to grant certain creditable services allowances,-- **was referred, in concurrence, to the committee on Public Service.**

A Message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation validating the results of the annual town meeting of the town of Ashland held on May 2, 2012 (printed in House, No. 3675),-- **referred, in concurrence, to the committee on Municipalities and Regional Government.**

A Bill relative to pharmacy practice in the Commonwealth (House, No. 3672, amended,-- on Senate, Nos. 1040 and 1053 and House, No. 39),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means**

Bills

Authorizing alternate members on local historical commissions (House, No. 3679,-- on House, No. 1871); and
Relative to potluck events (House, No. 3680,-- on House, No. 1997);

Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

Bills

Relative to the town manager in the town of Cohasset (House, No. 3486,-- on petition) [Local approval received]; and
Relative to the establishment of a special capital fund in the town of Acushnet (House, No. 3592,-- on petition) [Local approval received];

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Report of the committee on State Administration and Regulatory Oversight asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2839) of Kay Khan and others for legislation to create a hospital disposition fund from the proceeds of sales of state hospitals and the crediting of such proceeds to accounts of the Department of Mental Health and the Department of Developmental Services,-- **and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities,- was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-

Resolutions (filed by Ms. Candaras and Mr. Richard T. Moore) “commending the Fabricators & Manufacturers Association, International on its celebration of the Second Annual Manufacturing Day”;

Resolutions (filed by Mr. Hedlund) “congratulating Joseph Maresco on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Ms. Jehlen) “congratulating Beth Britz on her extraordinary career at the Somerville Center for Adult Learning Experiences”; and

Resolutions (filed by Mr. Richard T. Moore) “congratulating Bill Gannett on the occasion of his ninetieth birthday.”

Matters Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered, as follows:

The Senate Bill relative to the granting of an easement at Rea's Pond Sewer Pump Station in the town of North Andover (Senate, No. 1815),-- **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Tarr moved that the bill be amended by striking out, in line 3, the word “to”, the first time it appears, and inserting in place thereof the following word:- “shall”; and by inserting after the word “selectmen”, in line 4, the following words:- “on behalf of the town”.

The amendment was adopted.

The bill (Senate, No. 1814, amended) was then ordered to a third reading, read a time and passed to be engrossed. Sent to the House for concurrence.

Reports of Committees.

Mr. Rosenberg, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill validating the results of the annual town election held on April 2, 2013 and the annual town meeting held on April 22, 2013 in the town of Reading (House, No. 3659).

There being no objection, the rules were suspended, on motion of Ms. Lovely, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Jason Saunders, an employee of the Department of Correction (Senate, No. 1775),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 1875).**

There being no objection, the rules were suspended, on motion of Ms. Lovely, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 1875) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill Establishing a sick leave bank for Kristin Cole, an employee of the Department of Correction (House, No. 3632),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Rodrigues, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of William N. Brownsberger and John J. Lawn, Jr. for legislation to restrict the use of certain pesticides around children.

Senate Rule 36 was suspended, on motion of Ms. Lovely, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Diana Manning for legislation relative to income tax applicable to Diana Manning.

Senate Rule 36 was suspended, on motion of Ms. Lovely, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue.

By Mr. Rosenberg, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Barry R. Finegold, Frank A. Moran and James J. Lyons, Jr. for legislation to designate a certain bridge in the town of Andover as the Andover Veterans of the Iraqi and Afghanistan War Memorial Bridge. **Senate Rule 36 was suspended, on motion of Ms. Lovely, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Severally sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3682) of Anne M. Gobi, Stephen M. Brewer and Peter J. Durant for legislation to establish a sick leave bank for Janet Soboleski, an employee of the Department of Mental Health,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Timilty) and laid before the Governor for his approbation, to wit:

Establishing the Worcester County Commission on the Status of Women (see Senate, No. 927); and
Providing for recall elections in the town of Middlefield (see House, No. 3495, amended).

Recess.

There being no objection, at nine minutes past eleven o'clock A.M., the Chair (Mr. Timilty) declared a recess subject to the call of the Chair; and, at twenty-three minutes before three o'clock P.M., the Senate reassembled, Mr. Richard T. Moore in the Chair.

Petition.

On motion of Mr. Tarr, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Eldridge (accompanied by bill) of James B. Eldridge, Therese Murray, Bruce E. Tarr, Katherine M. Clark and other members of the General Court for legislation to improve drinking water and wastewater infrastructure,— **and the same was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the House for concurrence.**

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Adjourn In Memory of William F. (Billy) Jermyn

The Senator from Plymouth and Norfolk, Mr. Hedlund, moved that when the Senate adjourns today, it do so in memory of William F. (Billy) Jermyn.

William F. (Billy) Jermyn, a native of Hingham, Massachusetts, passed away peacefully on September 19, 2013 at his home in Sanford, Florida at the age of 70.

Billy was a United States Navy veteran serving from 1961 – 1967 as a sail maker aboard the submarine tender USS Fulton. He earned the Navy Expeditionary Medal during the Cuban Missile Crisis. An expert tree-surgeon Billy served as the former Superintendent of the Hingham Tree and Park Department.

At the age of 44 Billy ran in the 1987 Boston Marathon in a time of 3 hours 48 minutes 12 seconds. He also loved traveling the country and beyond on his Harley, earning him the coveted "Iron Butt" Award from Easy Rider Magazine.

Billy leaves behind his beloved wife of 47 years Nancy. Loving son of the late Howard and Hope Jermyn and brother to the late Howard and Dick Jermyn, Billy is also survived by two children, four grandchildren and five sisters.

Accordingly, as a mark of respect to the memory of William F. (Billy) Jermyn, at twenty minutes before three o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.